

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

JAMES T. BURKE,	:
Petitioner,	:
	:
v.	: Docket No.
	: 2:24-CV-261-wks-kjd
	:
NICK DEML,	:
Respondent.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed October 24, 2024. Petitioner's objections were filed November 11, 2024.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989).

The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this Court ADOPTS the Magistrate Judge's recommendations in full.

IT IS HEREBY ORDERED that the Respondent's Motion to Dismiss (Doc. 3) is **GRANTED** and the §2254 Petition (Doc. 1) is **DISMISSED WITH PREJUDICE**.

In addition, Respondent's Request for Judge Sessions to Intervene (Doc. 9) is DENIED AS MOOT.

Dated at Burlington, in the District of Vermont, this 20th day of November, 2024.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge